

From: Jay Dernovsek
To: Microsoft ATR
Date: 1/28/02 3:23am
Subject: Anti-Trust Remedy

I find the current remedies for the Microsoft anti-trust conviction unacceptable. Please consider the following as appropriate action for remedy:

Microsoft produces an operating system as well as applications that run on its operating system. Having inside knowledge of the operating system is a tremendous advantage when writing applications. Microsoft abused this advantage by withholding key elements of the application program interfaces (API's) from competing application writers. As remedy, the operating system business should be separated from the application development business. Once split, the operating system company should furthermore be prohibited from providing information other than its published API to any other company. This will insure fair competition for all application developers.

Microsoft's discount policies have made it all but impossible to purchase a computer without their operating system. As remedy, Microsoft should be made to abolish its present multi-level discount practices, and be made to use a single tier discount schedule based solely on volume. This will allow hardware manufactures and system integrators the option of offering competing products without financial penalty.

Microsoft has used its operating system's dominance to capture the office suite, web browser, and other application markets. A separation of the operating system and application businesses will remedy this abuse.

Microsoft has established itself as a major content provider (MSN) and has acquired other media holdings such as MSNBC. Microsoft also offers a variety of web services, such as Hotmail, Passport, etc. Microsoft is creating a dangerous situation whereby one entity is attempting to control both information (content) and the distribution channels used to convey information. As remedy, Microsoft should be made to divest its media holdings and Internet businesses, or to form a separate company for such activities

Microsoft obfuscates the file formats used by its business applications. These formats are constantly altered, creating a false need to upgrade and preventing competing applications from exchanging data. This abuse not only stifles competition, but also causes unnecessary reduction in productivity. Through their dominance, these file formats have become ubiquitous. Since this dominance was acquired illegally, Microsoft's file formats should no longer be permitted to remain proprietary, and should be turned over to an independent standards body. This will allow efficient data exchange, and will remedy the unfair advantage Microsoft has created for itself.

Microsoft abused its monopoly to gain control over commonly used protocols and languages by adding proprietary extentions. Their contamination of HTML

and JAVA are two examples. As a remedy, Microsoft must be forced to comply with existing protocol and language standards. Furthermore, Microsoft should be prohibited from having voting rights in any standards organization as punishment for its prior abuse.

Microsoft has demonstrated a disregard for computer and network security. Countless hours of lost productivity can be attributed to the weaknesses of Microsoft products. As a remedy, Microsoft should be made to secure its products without the customary upgrade charges. Microsoft should also be held criminally liable for the virus propagating nature of Microsoft Outlook. Until their security issues are resolved, Microsoft should be banned from providing products or services to financial, medical, and government institutions.

Microsoft has demonstrated a lack of respect for personal property and privacy. Their products consistently consume disk space with unwanted, unnecessary, and often unused components. Software is added without permission or control. System settings (many affecting security) are altered without notice. Their operating system is used as a billboard for unsolicited advertisement. Their products communicate without asking permission. As a remedy, Microsoft must be made to understand that computer resources, including disk space, are personal property. Uninvited occupation is trespassing. Furthermore, strong legislation needs to be passed concerning software that makes unauthorized communication, especially for the purpose of monitoring personal activity.

Microsoft has trademarked commonly used words for many of its products. Examples include Word, Office, Outlook, Explorer, Passport, Windows, etc. They bully other companies who use these common words in association with competing products, while ignoring other companies that do the same for complimentary products. Most businesses cannot afford to gain justice when faced with Microsoft's vast legal and financial resources. As remedy, Microsoft should be made to replace their common-name trademarks with names that are distinctly unique.

As further punishment for anti-trust, Microsoft should be banned from political lobbying and should not be permitted to make political contributions of any kind.

Thank you for your consideration.

Regards,

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